



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

540, 119

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02GA0456WOP	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/014319	International filing date (day/month/year) 16 December 2003 (16.12.2003)	Priority date (day/month/year) 18 December 2002 (18.12.2002)
International Patent Classification (IPC) or national classification and IPC G11B 5/60		
Applicant GATZEN, Hans-Heinrich		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of 8 sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
 - Box No. I Basis of the report
 - Box No. II Priority
 - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - Box No. IV Lack of unity of invention
 - Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - Box No. VI Certain documents cited
 - Box No. VII Certain defects in the international application
 - Box No. VIII Certain observations on the international application

Date of submission of the demand 30 June 2004 (30.06.2004)	Date of completion of this report 18 March 2005 (18.03.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2003/014319

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed"* and are not annexed to this report):

- The international application as originally filed/furnished
 the description:

pages _____ 1-29 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- the claims:

pages _____, as originally filed/furnished
 pages* _____, as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* 1-38 _____ received by this Authority on 17 February 2005 (17.02.2005)

- the drawings:

pages 1/3-3/3 _____, as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
- the claims, Nos. _____
- the drawings, sheets/figs _____
- the sequence listing (*specify*): _____
- any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/14319

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	27-38	YES
	Claims	1-26	NO
Inventive step (IS)	Claims		YES
	Claims	1-39	NO
Industrial applicability (IA)	Claims	1-39	YES
	Claims		NO

2. Citations and explanations

Reference is made to the following documents:

D1: EP-A-1 058 238 (SAMSUNG ELECTRONICS CO LTD),
6 December 2000 (2000-12-06)

D2: US 2002/096944 A1 (BOUTAGHOU ZINE-EDDINE et al.),
25 July 2002 (2002-07-25)

Document D3 is not cited in the International Search Report.
A copy is appended to the present report.

D3: US-2002/181140 A1 (SUBRAHRAMYAN PRADEEP K.),
5 December 2002 (2002-12-05)

1. Lack of novelty

1.1 The application fails to meet the requirement of PCT Article 33(1) because the subject matter of claim 1 is not novel (PCT Article 33(2)).

Document D2 discloses the following (the references in parentheses are to D2):

- a read/write head with a first block, and
- a support connected to the first block with a read/write element, the support being movably spring-mounted on the

- block by means of at least one leaf spring, and
- an electromagnetic actuator device with an electromagnetic element for generating magnetic forces which are transmitted to the support.

(See, for example, figures 2 and 8.)

- 1.2 Dependent claims 2 to 21 do not contain any features that meet the PCT requirements in respect of novelty and inventive step when combined with the features of any of the back-referenced claims (see documents D1 and D2 and the passages cited in the search report).

The features of claims 2 to 21 are just some of a number of obvious possibilities from which a person skilled in the art would choose according to the circumstances without making an inventive contribution in order to solve the problem of interest.

- 1.3 The application fails to meet the requirement of PCT Article 33(1) because the subject matter of claim 22 is not novel (PCT Article 33(2)).

Document D2 discloses the following (the references in parentheses are to D2):

- a method for controlling a read/write head as defined in point 1.1 above
- characterised in that the tracking of the read/write element is readjusted by at least one electromagnetic actuator device for the read/write head.

(See the whole document.)

- 1.4 Dependent claims 23 to 26 do not contain any features that meet the PCT requirements in respect of novelty and inventive step when combined with the features of any of the

back-referenced claims (see documents D1, D2 and D3 and the passages cited in the search report).

The features of claims 23 to 26 are just some of a number of obvious possibilities from which a person skilled in the art would choose according to the circumstances without making an inventive contribution in order to solve the problem of interest.

2. Lack of inventive step

- 2.1 The application fails to meet the requirement of PCT Article 33(1) because the claimed subject matter does not involve an inventive step (PCT Article 33(3)).

A person skilled in the art would regard it as a routine procedure to combine all the features specified in claim 27.

Dependent claims 28 to 38 do not contain any features that meet the PCT requirements in respect of novelty and inventive step when combined with the features of any of the back-referenced claims, because the features of claims 28 to 38 are just some of a number of obvious possibilities from which a person skilled in the art would choose according to the circumstances without making an inventive contribution in order to solve the problem of interest.